

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/014885

International filing date (day/month/year)
01.10.2004

Priority date (day/month/year)
01.10.2003

International Patent Classification (IPC) or both national classification and IPC
G07C3/00, G06K19/07, G06F17/60

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/JP2004/014885

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13,15-22
	No: Claims	14
Inventive step (IS)	Yes: Claims	8-12
	No: Claims	1-7,13-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 The following documents can be referred to in this communication :

- D1 : US-A1-2002 174025 (MATHEWSON JAMES M ET AL) 21 November 2002
- D2 : WO-A-00 67546 (SIEMENS AG) 9 November 2000 (2000-11-09)
- D3 : US-A1-2002 188259 (HICKLE RANDALL S ET AL) 12 December 2002
- D4 : WO-A-01 45013 (ONEWARRANTY COM INC) 21 June 2001
- D5 : EP-A-1 345 164 (EM MICROELECTRONIC MARIN SA) 17 September 2003

2. Independent claim 14.

2.1 Document D2 discloses a method for writing informations in an IC tag placed on a printed-circuit-board (PCB) consisting in writing informations (Informationen über die Hersteller der bestücken Bauelemente) about a component in the IC tag (transponder 13) mounted on the PCB at the time when the component is mounted on the PCB.
[page 2, lines 18-33 ; page 5, lines 25-36]

2.2. The subject-matter of claim 14 is therefore not new (Article 33(2) PCT).

3. Independent claims 1 and 15.

3.1 The subject-matter of claim 1 is not inventive in the sense of Article 33(4) PCT.

3.2 Document D1 discloses a method for identifying an product to be recalled comprising the steps of :
[paragraphs 31-32, 37, 42-45]

- collecting informations stored in an IC-tag (storage unit 80, RFID tag 81) attached to a product via a communication network ;
- checking to collected informations with respect to corresponding informations (appropriate databases) related to the product to be recalled and identifying the product to be recalled based on a checking result and informations stored in the IC-tag.

3.3. Applying the method disclosed in document D1 concerning products in general to apparatus as defined in claim 1 would be achieved by the skill person without the exercise of any inventive skill.

3.4. The same reasoning applies, *mutatis mutandis*, to independent claim 15 which defines a corresponding subject-matter, and therefore is also considered not inventive.

4. Independent claims 16, 18.

4.1. The subject-matter of claim 16 is not inventive in the sense of Article 33(4) PCT.

4.2. Document D1 discloses a device for identifying a product to be recalled comprising :
[paragraphs 44-45 ; figures 5 & 6]

- a collecting unit (communication interface 16) operable to collect informations stored in an IC-tag (storage unit 80, RFID tag 81) attached to a product via a communication network (short range wireless communications 22) ;
- a unit (data processor 14) searching appropriate databases, on receiving the identity of products, to determine if any recall messages exist on this products.

4.3. Although the document D1 does not disclose the detailed architecture of the data processor 14 being linked to a communication interface and to databases, and having the tasks to compare acquired data with corresponding data previously memorized in some databases, it is obvious to the skill person to implement such a unit with a central processing unit and some memories without the exercise of any inventive skill.

4.4 Document D1 further discloses a system (system 400) including a device (shopping cart attachment device 50) having a reading unit (RFID tag reader 56).

The previous reasoning applies therefore to independent claim 18 which is also considered not inventive.

5. Dependent claims.

5.1. Dependent claims 2-7, 13, 17, 19-22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step for the following reasons.

- the additional features of claims 7, 13 are disclosed in document D1.
- the additional features of claim 3 are disclosed in document D2.

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AUTHORITY (SEPARATE SHEET)**

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- claims 2, 4-6 : the number and the type of informations on which the checking is based between acquired informations in the IC-tag and informations in databases cannot be recognize as a basis for an inventive step.
- the additional features of claims 19-22 belongs to the general knowledge of the skill person.

5.2. Claims 8-12.

The combination of the features of dependent claims 8-12 is neither known from, nor rendered obvious by, the available prior art. None of the documents relevant for the subject-matter of the independent claims discloses the use of a firmware and therefore the updating of such a firmware after the identification of the apparatus is neither disclosed.

Re Item VIII.

6. Clarity.

Dependent claim 7 introduces "the display unit", whereas no display unit has been defined in previous claims 1-6 and therefore lacks of clarity (Article 6 PCT).